

**Finding Of No Significant Impact
for the
Rehabilitation of New Creek Site 14**

**NEW CREEK – WHITES RUN SUBWATERSHED
OF THE POTOMAC RIVER WATERSHED
GRANT COUNTY, WEST VIRGINIA**

Introduction

The Rehabilitation of New Creek Dam Site 14 is a federally assisted action authorized under the authority of the Watershed Protection and Flood Prevention Act (Public Law 83-566) as amended by the Small Watershed Rehabilitation Amendments of 2000 (Section 313 of Public Law 106-472). An environmental Assessment was undertaken in conjunction with the development of the supplemental watershed plan for the New Creek – Whites Run Subwatershed of the Potomac River Watershed. This assessment was conducted in consultation with local, state and federal agencies as well as interested organizations and individuals. Data developed during the assessment are available for public review at the following location:

U. S. Department of Agriculture
Natural Resources Conservation Service
Harley O. Staggers Federal Building
75 High Street, Room 301
Morgantown, WV 26505
(304) 284-7545

Recommended Action

The recommended action is to rehabilitate New Creek Site 14 so that it meets current design criteria and performance standards. Rehabilitation measures include raising the effective top of the dam to prevent overtopping during the probable maximum precipitation (PMP) event, installation of a new intake riser, lining the principal spillway pipe, installing an impact basin, installing an embankment surface drainage system and mitigating the temporary elimination of the lake's fishery.

Effects of Recommended Action

The recommended action will rehabilitate New Creek Site 14 so that it meets current design criteria and performance standards. The recommended action will:

- Minimize the potential for loss of life associated with this dam.
- Eliminate the sponsor's liability associated with operation of an outdated dam.
- Maintain the existing level of flood protection for downstream houses, businesses and infrastructure.
- Maintain the water supply source for the City of Keyser.
- Protect real estate values around the lake and downstream from the dam.

- Maintain existing fish and wildlife habitat around the dam.
- Preserve existing recreation opportunities.

No federally listed threatened or endangered species are known to inhabit areas on or immediately adjacent to the project area. The recommended action is not likely to adversely affect federally listed species.

Consultations with the WV State Historical Preservation Office indicated no concerns regarding adverse impacts to cultural and historic resources so long as works of improvement associated with the rehabilitation project are confined to areas previously disturbed during construction of the site in 1963. If unanticipated cultural resources are discovered during installation of the recommended action, work will be discontinued and procedures as outlined in GM 420 Part 201 will be implemented.

An existing cemetery adjacent to the Site 14 reservoir is protected by a dike constructed in conjunction with the project in 1963. Hydrology models indicate that 16 inches of rain in a 24 hour period would be necessary for water to reach the top of the cemetery dike. Therefore, no increase in height to the cemetery dike is proposed.

One potential wetland area of about 2.6 acres is located downstream of the dam. The potential wetland area will be excluded from construction activities. No adverse impacts to this potential wetland area will result from the recommended action.

Fish and wildlife habitat within the 37 acre Site 14 reservoir will be temporarily eliminated during the construction of the rehabilitation measures. Temporary habitat loss will be the result of draining the 37 acre reservoir. Fish in the reservoir will be salvaged to the extent practical and relocated to alternative sites for holding or utilization. The fishery will be re-established once the rehabilitation work is complete and the reservoir is refilled. Fish salvage and fishery re-establishment will be conducted with assistance from the West Virginia Division of Natural Resources.

Impacts to other wildlife utilizing the impoundment will vary. Mobile species, such as avifauna and semi-aquatic mammals, may relocate to other suitable habitats within the area. Less mobile species, including reptiles and amphibians, may not be likely to relocate to other suitable habitat and consequently may suffer some mortality. All wildlife populations presently utilizing the reservoir are expected to become re-established once the reservoir is refilled.

Impacts to Linton Creek below the Site 14 impoundment will be temporary. Linton Creek will experience sustained high flows in the early spring while the reservoir is being drained. Once the reservoir is drained, flows below the dam will equal that produced by the watershed upstream. In the event of a dry summer or fall season, Linton Creek may receive very low or no flows from the outlet of the dam without the reservoir to supplement flow. Slightly elevated temperatures and an increase in fine sediment from the reservoir bottom may temporarily occur in Linton Creek during construction. A concrete impact basin will be constructed at the principal spillway outlet to replace the existing plunge pool. Construction of this measure will be in accordance with conditions

associated with the Department of the Army Permit. Any impacts to Linton Creek resulting from the impact basin construction will be minimal and temporary.

Alternatives

Two alternatives considered, but eliminated from detailed study, include decommissioning the dam and implementing non-structural measures such as relocating or floodproofing floodplain structures. Neither of these alternatives provided for the continuing need of project sponsors for a reliable water supply and flood protection.

Two alternatives considered and evaluated in detail are: 1). No Action (Sponsors' Rehabilitation) – without federal assistance the Sponsors will rehabilitate Site 14 to meet current design criteria and performance standards; and 2). Rehabilitate Dam -- Rehabilitation of Site 14, with federal assistance, to meet current design criteria and performance standards.

Consultation – Public Participation

An early planning meeting was held at Site 14 on June 27, 2007. Representatives of federal and state government agencies, local sponsoring organizations and the local property owners association attended. Comments suggested at this meeting were used to identify environmental and other concerns that were considered during the planning process.

The draft environmental assessment was distributed to all participating and interested agencies, groups and individuals for review and comment on April 11, 2008. A public workshop was held on May 6, 2008 in order for interested parties to request additional information or to offer input to the plan and environmental evaluation.

Agency consultation and public participation to date have shown no unresolved conflicts with the implementation of the selected plan.

Conclusion

The Environmental Assessment summarized above indicates that this federal action will not cause significant local, regional or national impacts on the environment. Therefore, based on the above findings, I have determined that an environmental impact statement for the New Creek – Whites Run Watershed of the Potomac River Watershed, New Creek Site 14 Dam Rehabilitation Plan is not required.



KEVIN WICKEY
State Conservationist

September 18, 2008